



# UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Division

Case No.

(to be filled in by the Clerk's Office)

Douglas Roy Symmes Jr

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

NC Dept. of Public Safety Et. al.  
See attached for further names

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Douglas Roy Symmes Jr  
 All other names by which  
 you have been known: \_\_\_\_\_  
 ID Number 0397985  
 Current Institution Scotland Correctional  
 Address 22385 Mc Birts Bridge Rd  
Laurinburg NC 28352  
City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name Covington  
 Job or Title (*if known*) Capt. on 2A Rotation  
 Shield Number \_\_\_\_\_  
 Employer Scotland Correctional  
 Address 22385 Mc Birts Bridge Rd  
Laurinburg NC 28352  
City State Zip Code  
☒ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name Terry Ingram Jr  
 Job or Title (*if known*) Capt. on 1A Rotation / was Blue Unit Unit Manager  
 Shield Number \_\_\_\_\_  
 Employer Scotland Correctional  
 Address 22385 Mc Birts Bridge Rd  
Laurinburg NC 28352  
City State Zip Code  
☒ Individual capacity ☒ Official capacity

## Defendant No. 3

Name

Katy Poole

Job or Title (if known)

Warden

Shield Number

Employer

Scotland Correctional

Address

22385 McGirts Bridge Rd

Laurinburg

NC

28352

City

State

Zip Code



Individual capacity



Official capacity

## Defendant No. 4

Name

See Attachment for the rest of the names, All names are being sued under BOTH "Individual" &amp; "Official" Capacity

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code



Individual capacity



Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1<sup>st</sup> Am. - Freedom of Speech/Legal Mail

8<sup>th</sup> Am. - Cruel & Unusual Punishment

5<sup>th</sup> & 14<sup>th</sup> Am. - Due Process Violations

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*See Attachment For full rundown*

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

*N/A*

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

*See Attachments labeled "Attachment B,C,D"*

C. What date and approximate time did the events giving rise to your claim(s) occur?

See Attachment B, C, D

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attachment BCD

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Sight/Vision, Breathing, Hearing, Anxiety, Permanent Skull Fractures That Cause Continuous Pain, Headacks, Throat Issues

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Policy Changes, Enforcement OF Current Poiley; <sup>Federal & State</sup> Laws-<sup>ution</sup> Constitution, Injunction on the Mailroom & On Capt. Covington & Capt. Ingram, To Be Appointed Counsel To Represent Me In Further Critical Stages Of Proceedings, More Than \$40,000 Compensation, I Ask The Court To Grant Any Further Compensation & Relief This Court Deems Just, Proper & Equitable. I ask that my A-10 conviction be overturned & all gain time lost in those 10 months. A Court Order so I can get Copies of my Medical Records, All pictures taken on Nov. 29<sup>th</sup> 2017 & for a Printout of the "Legal Mail" Logs of all the Legal Mail I've sent out. Im told I have to have one granted to be to get Copies of these 3 things.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Scotland Correctional

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

A-10 Conviction, Medical Issues, Religious Issues, Mail-Legal Mail out & Mail/property coming in, Threats-Harassment-Manipulation-Retoliation issues, Broken Policy & Law/Constitutional issues,

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

Scotland Correctional

2. What did you claim in your grievance?

See Attachment

3. What was the result, if any?

See Attachment

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I've appeal all Grievance to the highest authority



F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

At Times things were moving so fast & overlapping that I couldn't  
because you can only put one in at a time, without more than one issue in it

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Sent direct letter to Eric A. Hooks, Special Deputy Attorney General Lisa Bradley & the  
Grievance Resolution Board over the Capt. Capt Covington 7-14-19 actions, also sent letter  
to the U.S. District Court before I knew Mr. Hooks & the Special Deputy Attorney Generals  
Office was involved in my Habeas Corpus case. Further Evidence & Accusations have been  
sent to the U.S. District Court in case #1:19cv24, Clarence J. DelForge III - Special Deputy Attorney  
General & through him to Eric A. Hooks - Secretary of Prisons -

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I have a list of 17 names of other guys who is or have had these same issues  
here at Scotland Correctional, some of us have sent letters to the North Carolina Medical Board,  
Legislators, State Oversight, Governor, Civil Liberties with no Help or no Response back. Can try  
to send copies later. Prison states have to have Court Order to have Copies made outside of Claims.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A



A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-23-2020

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Douglas R. Symmes Jr  
Douglas Roy Symmes Jr  
0397985  
22385 McGirts Bridge Rd  
Laurinburg NC 28352  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

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City State Zip Code

Telephone Number

E-mail Address

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